

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44188 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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1. Jeera Devi, Wife of Ram Prakash Mahton, Resident of village- Haripur Ward No. 6, P.S.-Allauli, District-Khagaria.
 2. Priyanka Bharti, D/o Ram Prakash Mahto, Wife of Krishna Mohan, Resident of village- Haripur Ward No. 6, P.S.-Allauli, District- Khagaria
 3. Khushbu Bharti, Wife of Mukesh Kumar, Resident of village- Haripur Ward No. 6, P.S.-Allauli, District- Khagaria
 4. Mukesh Kumar, Son of Ram Prakash Mahton, Resident of village- Haripur Ward No. 6, P.S.-Allauli, District- Khagaria
 5. Ramesh Kumar, Son of Ram Prakash Mahton, Resident of village- Haripur Ward No. 6, P.S.-Allauli, District-Khagaria.

... .. Petitioners

Versus

1. The State of Bihar
2. Kanchan Verma, wife of Ganesh Kumar, D/o- Santosh Kumar, Resident of village- Rajakpur, P.S.-Nawkothe, District- Begusarai

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Akbar Ali, APP
For the Informant	:	Mr. Shubhash Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Nawkothe P.S. Case No. 39 of 2023 registered for the offences punishable under Sections 313, 498A, 504/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act. They have got no criminal antecedent.

3. As per the prosecution story, on 30.01.2020 the



marriage between the informant and one Ganesh Kumar was solemnized and at the time of marriage, the informant's father had given several gifts including Rs.11,00,000/- cash. But after marriage, her in-laws started demanding four-wheeler vehicle. It is further alleged that the co-accused persons also tried to abort the pregnancy of the informant by administering medicine and also by assaulting her by means of fists and legs upon her abdomen.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the earlier one complaint case was also lodged by the informant in which the learned Magistrate had issued summon only against the husband of the informant/complainant. It is submitted that at this stage, FIR has been lodged against all the kith and kin of the husband of the informant by alleging general and omnibus kind of allegations.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioners, however, it is his submission that the informant is looking for an amicable resolution of settlement.



7. Having regard to the facts and circumstances of the case wherein this Court has noticed that eight months prior to lodging of the present FIR, the informant had filed a complaint case being Complaint Case No. 1634C of 2022 in which the learned Magistrate has taken cognizance of the offence under Section 498A and other Sections of the Indian Penal Code but decided to issue summon only against the husband of the informant/complainant, she is said to have been ousted by her husband on 28.08.2022, at this stage, FIR has been lodged against all the kith and kin of the husband and the allegations are general and omnibus, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Nawkothe P.S. Case No. 39 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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